

Part 6 Tow Truck Provisions

Superseded 1/1/2026

72-9-601 Tow truck motor carrier requirements -- Authorized towing certificates.

- (1) In addition to the requirements of this chapter, a tow truck motor carrier shall:
 - (a) ensure that all the tow truck motor carrier's tow truck operators are properly:
 - (i) trained to operate tow truck equipment;
 - (ii) licensed, as required under Title 53, Chapter 3, Uniform Driver License Act; and
 - (iii) complying with the requirements under Sections 41-6a-1406 and 72-9-603;
 - (b) ensure that all the tow truck motor carrier's tow truck operators:
 - (i) have cleared the criminal background check required in Subsections 72-9-602(2) and (3);
and
 - (ii) obtain and maintain a valid medical examiner's certificate under 49 C.F.R. Sec. 391.45; and
 - (c) obtain and display a current authorized towing certificate for the tow truck motor carrier, and each tow truck and tow truck operator, as required under Section 72-9-602.
- (2) A tow truck motor carrier may only perform a towing service described in Section 41-6a-1406, 41-6a-1407, or 72-9-603, with a tow truck and tow truck operator that has a current authorized towing certificate under this part.

Amended by Chapter 298, 2017 General Session

Effective 1/1/2026

72-9-601 Tow truck motor carrier requirements -- Authorized towing certificates.

- (1) In addition to the requirements of this chapter, a tow truck motor carrier shall:
 - (a) ensure that all the tow truck motor carrier's tow truck operators are properly:
 - (i) trained to operate tow truck equipment;
 - (ii) licensed, as required under Title 53, Chapter 3, Uniform Driver License Act; and
 - (iii) complying with the requirements under Sections 41-6a-1406 and 72-9-603;
 - (b) ensure that all the tow truck motor carrier's tow truck operators:
 - (i) have cleared the criminal background check required in Subsections 72-9-602(2) and (3);
and
 - (ii) obtain and maintain a valid medical examiner's certificate under 49 C.F.R. Sec. 391.45;
 - (c) obtain and display a current authorized towing certificate for the tow truck motor carrier, and each tow truck and tow truck operator, as required under Section 72-9-602; and
 - (d) provide to the department, at least once per calendar quarter, information indicating each towing entity dispatch and rotation service of which the tow truck motor carrier is part.
- (2) A tow truck motor carrier may only perform a towing service described in Section 41-6a-1406, 41-6a-1407, or 72-9-603, with a tow truck and tow truck operator that has a current authorized towing certificate under this part.

Amended by Chapter 378, 2025 General Session

Superseded 1/1/2026

72-9-602 Towing inspections, investigations, and certification -- Equipment requirements -- Consumer information.

- (1)

- (a) The department shall inspect, investigate, and certify tow truck motor carriers, tow trucks, and tow truck operators to ensure compliance with this chapter and compliance with Sections 41-6a-1406 and 41-6a-1407.
 - (b) The inspection, investigation, and certification shall be conducted prior to any tow truck operation and at least every two years thereafter.
 - (c)
 - (i) The department shall issue an authorized towing certificate for each tow truck motor carrier, tow truck, and tow truck operator that complies with this part and rules made by the department in accordance with Subsection (6).
 - (ii) The authorized towing certificate described in this section shall expire two years from the month of issuance.
 - (d) The department may charge a biennial fee established under Section 63J-1-504 to cover the cost of the inspection, investigation, and certification required under this part.
- (2)
- (a) To qualify for an authorized towing certificate described in Subsection (1), a tow truck operator shall:
 - (i) submit to a fingerprint-based criminal background check, as described in Subsection (3); and
 - (ii) obtain and maintain a valid medical examiner's certificate under 49 C.F.R. Sec. 391.45.
 - (b) For each tow truck operator employed, a tow truck motor carrier shall:
 - (i) maintain records of the updated background checks and a valid medical examiner's certificate, as required under this section; and
 - (ii) biennially, make the records described in Subsection (2)(b)(i) available to the department.
- (3)
- (a) Before a tow truck motor carrier may hire an individual as a tow truck operator and receive an authorized towing certificate from the department as required in Subsection (2), the tow truck motor carrier shall require the individual to submit to the Department of Public Safety:
 - (i) a fingerprint card in a form acceptable to the Department of Public Safety; and
 - (ii) consent to a state and regional fingerprint background check by the Bureau of Criminal Identification.
 - (b) The Bureau of Criminal Identification shall:
 - (i) check the fingerprints submitted under this section against the applicable state and regional criminal records databases;
 - (ii) report the results of the background check to the requesting tow truck motor carrier;
 - (iii) maintain a separate file of fingerprints submitted under this part for search by future submissions to the local and regional criminal records databases, including latent prints; and
 - (iv) establish a privacy risk mitigation strategy to ensure that the entity only receives notifications for the individuals with whom the entity maintains an authorizing relationship.
 - (c)
 - (i) Except for an individual hired as a tow truck operator before July 1, 2017, the department shall deny an individual's authorized towing certification, and the individual may not operate a tow truck in this state, if the individual has been convicted of any felony offense within the previous two years.
 - (ii) The department may deny or revoke the authorized towing certification of a tow truck motor carrier that employs an individual who fails to comply with the background check required in this section.
- (4) The department shall make available to the public electronically accessible consumer protection information, including a list of all tow truck motor carriers that are currently certified by the department.

- (5) The department may deny a tow truck motor carrier's certification if the department has evidence that a tow truck motor carrier's tow truck operator fails to provide copies of the Utah Consumer Bill of Rights Regarding Towing to vehicle owners, as required under Section 72-9-603.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules governing the inspection, investigation, and certification procedures described in this section.

Amended by Chapter 298, 2017 General Session

Effective 1/1/2026

72-9-602 Towing inspections, investigations, and certification -- Equipment requirements -- Consumer information.

- (1)
 - (a) The department shall inspect, investigate, and certify tow truck motor carriers, tow trucks, and tow truck operators to ensure compliance with this chapter and compliance with Sections 41-6a-1406 and 41-6a-1407.
 - (b) The inspection, investigation, and certification shall be conducted prior to any tow truck operation and at least every two years thereafter.
 - (c)
 - (i) The department shall issue an authorized towing certificate for each tow truck motor carrier, tow truck, and tow truck operator that complies with this part and rules made by the department in accordance with Subsection (6).
 - (ii) The authorized towing certificate described in this section shall expire two years from the month of issuance.
 - (d) The department may charge a biennial fee established under Section 63J-1-504 to cover the cost of the inspection, investigation, and certification required under this part.
- (2)
 - (a) To qualify for an authorized towing certificate described in Subsection (1), a tow truck operator shall:
 - (i) submit to a fingerprint-based criminal background check, as described in Subsection (3); and
 - (ii) obtain and maintain a valid medical examiner's certificate under 49 C.F.R. Sec. 391.45.
 - (b) For each tow truck operator employed, a tow truck motor carrier shall:
 - (i) maintain records of the updated background checks and a valid medical examiner's certificate, as required under this section; and
 - (ii) biennially, make the records described in Subsection (2)(b)(i) available to the department.
- (3)
 - (a) Before a tow truck motor carrier may hire an individual as a tow truck operator and receive an authorized towing certificate from the department as required in Subsection (2), the tow truck motor carrier shall require the individual to submit to the Department of Public Safety:
 - (i) a fingerprint card in a form acceptable to the Department of Public Safety; and
 - (ii) consent to a state and regional fingerprint background check by the Bureau of Criminal Identification.
 - (b) The Bureau of Criminal Identification shall:
 - (i) check the fingerprints submitted under this section against the applicable state and regional criminal records databases;
 - (ii) report the results of the background check to the requesting tow truck motor carrier;

- (iii) maintain a separate file of fingerprints submitted under this part for search by future submissions to the local and regional criminal records databases, including latent prints; and
 - (iv) establish a privacy risk mitigation strategy to ensure that the entity only receives notifications for the individuals with whom the entity maintains an authorizing relationship.
- (c)
- (i) Except for an individual hired as a tow truck operator before July 1, 2017, the department shall deny an individual's authorized towing certification, and the individual may not operate a tow truck in this state, if the individual has been convicted of any felony offense within the previous two years.
 - (ii) The department may deny or revoke the authorized towing certification of a tow truck motor carrier that employs an individual who fails to comply with the background check required in this section.
- (4) The department shall make available to the public electronically accessible consumer protection information, including a list of all tow truck motor carriers that are currently certified by the department.
- (5) The department may deny a tow truck motor carrier's certification if the department has evidence that a tow truck motor carrier's tow truck operator fails to provide copies of the Utah Consumer Bill of Rights Regarding Towing to vehicle owners, as required under Section 72-9-603.
- (6)
- (a) If the department determines that a tow truck motor carrier has violated a provision of this part or an administrative rule made pursuant to this part, the department may:
 - (i) deny or revoke a tow truck motor carrier's certification under this part;
 - (ii) impose a civil penalty up to \$2,000 for each violation; and
 - (iii) require the removal of the tow truck motor carrier from a towing dispatch rotation as described in Section 72-9-604.
 - (b) If the department requires the removal of a tow truck motor carrier from a towing dispatch rotation, contract, or request for proposal as described in Section 72-9-604, the department shall:
 - (i) notify the Department of Public Safety and any relevant towing entity, as that term is defined in Section 72-9-604, of the removal; and
 - (ii) notify the tow truck motor carrier of the removal.
 - (c) A notice described in Subsection (6)(b) shall:
 - (i) identify the tow truck motor carrier; and
 - (ii) specify how long the tow truck motor carrier is required to be removed from the towing dispatch rotation.
- (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules governing the inspection, investigation, and certification procedures described in this section.

Amended by Chapter 378, 2025 General Session

72-9-602.5 Certificate by endorsement.

- (1) As used in this section, "license" means an authorization that permits the holder to engage in the practice of a profession described in Section 72-9-602.
- (2) Subject to Subsections (4) through (6), the department shall issue a certificate described in Section 72-9-602 to an applicant who has been licensed in another state, district, or territory of the United States if:

- (a) the department determines that the license issued by the other state, district, or territory encompasses a similar scope of practice as the certificate;
 - (b) the applicant has at least one year of experience practicing under the license issued in the other state, district, or territory; and
 - (c) the applicant's license is in good standing in the other state, district, or territory.
- (3) Subject to Subsections (4) through (6), the department may issue a certificate described in Section 72-9-602 to an applicant who:
- (a) has been licensed in another state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:
 - (i)
 - (A) the department determines that the applicant's education, experience, and skills demonstrate competency in the occupation for which certification is sought; and
 - (B) the applicant has at least one year of experience practicing under the license issued in the other state, district, territory, or jurisdiction; or
 - (ii) the department determines that the licensure requirements of the other state, district, territory, or jurisdiction at the time the license was issued were substantially similar to the requirements for the certificate; or
 - (b) has never been licensed in a state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:
 - (i) the applicant was educated in or obtained relevant experience in a state, district, or territory of the United States, or a jurisdiction outside of the United States; and
 - (ii) the department determines that the education or experience was substantially similar to the education or experience requirements for the certificate.
- (4) The department may refuse to issue a certificate to an applicant under this section if:
- (a) the department determines that there is reasonable cause to believe that the applicant is not qualified to receive the certificate; or
 - (b) the applicant has a previous or pending disciplinary action related to the applicant's other license.
- (5) Before the department issues a certificate to an applicant under this section, the applicant shall:
- (a) pay a fee determined by the department under Section 63J-1-504; and
 - (b) produce satisfactory evidence of the applicant's identity, qualifications, and good standing in the occupation for which certification is sought.
- (6) The department may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, prescribing the administration and requirements of this section.

Enacted by Chapter 222, 2023 General Session

Superseded 1/1/2026

72-9-603 Towing notice requirements -- Cost responsibilities -- Abandoned vehicle title restrictions -- Rules for maximum rates and certification.

- (1) Except for a tow truck service that was ordered by a peace officer, a person acting on behalf of a law enforcement agency, or a highway authority, after performing a tow truck service that is being done without the vehicle, vessel, or outboard motor owner's knowledge, the tow truck operator or the tow truck motor carrier shall:
 - (a) immediately upon arriving at the place of storage or impound of the vehicle, vessel, or outboard motor:
 - (i) provide relevant information to the impound vehicle service system database administered by the Motor Vehicle Division, including:

- (A) the date and time of the removal of the vehicle, vessel, or outboard motor;
- (B) a description of the vehicle, vessel, or outboard motor; and
- (C) the vehicle identification number or vessel or outboard motor identification number; and
- (ii) contact the law enforcement agency having jurisdiction over the area where the vehicle, vessel, or outboard motor was picked up and notify the agency of the:
 - (A) location of the vehicle, vessel, or outboard motor;
 - (B) date, time, and location from which the vehicle, vessel, or outboard motor was removed;
 - (C) reasons for the removal of the vehicle, vessel, or outboard motor;
 - (D) person who requested the removal of the vehicle, vessel, or outboard motor; and
 - (E) description, including the identification number, license number, or other identification number issued by a state agency, of the vehicle, vessel, or outboard motor;
- (b) within two business days of performing the tow truck service under Subsection (1)(a), send a certified letter to the last-known address of each party described in Subsection 41-6a-1406(6)
 - (a) with an interest in the vehicle, vessel, or outboard motor obtained from the Motor Vehicle Division or, if the person has actual knowledge of the party's address, to the current address, notifying the party of the:
 - (i) location of the vehicle, vessel, or outboard motor;
 - (ii) date, time, and location from which the vehicle, vessel, or outboard motor was removed;
 - (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
 - (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
 - (v) a description, including its identification number and license number or other identification number issued by a state agency; and
 - (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and
 - (c) upon initial contact with the owner whose vehicle, vessel, or outboard motor was removed, provide the owner with a copy of the Utah Consumer Bill of Rights Regarding Towing established by the department in Subsection (16)(e).
- (2) Until the tow truck operator or tow truck motor carrier reports the information required under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound yard may not:
 - (a) collect any fee associated with the removal; or
 - (b) begin charging storage fees.
- (3)
 - (a) Except as provided in Subsection (3)(b) or (9), a tow truck operator or tow truck motor carrier may not perform a tow truck service at the request or direction of a private property owner or the property owner's agent unless:
 - (i) the owner or a lien holder of the vehicle, vessel, or outboard motor consents to the tow truck service; or
 - (ii) the property owner erects signage that meets the requirements of:
 - (A) Subsection (4)(b)(ii); and
 - (B) Subsection (7) or (8).
 - (b) Subsections (7) through (9) do not apply to the removal of a vehicle, vessel, or outboard motor:
 - (i) from a location where parking is prohibited by law, including:
 - (A) a designated fire lane;
 - (B) within 15 feet of a fire hydrant, unless the vehicle is parked in a marked parking stall or space; or
 - (C) a marked parking stall or space legally designated for disabled persons;
 - (ii) from a location where it is reasonably apparent that the location is not open to parking;
 - (iii) from a location where all public access points are controlled by:

- (A) a permanent gate, door, or similar feature allowing the vehicle to access the facility; or
 - (B) a parking attendant;
 - (iv) from a location that materially interferes with access to private property;
 - (v) from the property of a detached single-family dwelling or duplex; or
 - (vi) pursuant to a legal repossession.
- (4)
- (a) A private property owner may, subject to the requirements of a local ordinance, enforce parking restrictions by:
 - (i) authorizing a tow truck motor carrier to patrol and monitor the property and enforce parking restrictions on behalf of the property owner in accordance with Subsection (7);
 - (ii) enforcing parking restrictions as needed by requesting a tow from a tow truck motor carrier on a case-by-case basis in accordance with Subsection (8); or
 - (iii) requesting a tow from a tow truck motor carrier after providing 24-hour written notice in accordance with Subsection (9).
 - (b)
 - (i) Any agreement between a private property owner and tow truck motor carrier authorizing the tow truck motor carrier to patrol and monitor the property under Subsection (4)(a)(i) shall include specific terms and conditions for the tow truck motor carrier to remove a vehicle, vessel, or outboard motor from the property.
 - (ii) In addition to the signage described in Subsection (7) or (8), a private property owner who allows public parking shall erect appropriate signage on the property indicating clear instructions for parking at the property.
 - (iii) Where a single parking area includes abutting parcels of property owned by two or more private property owners who enforce different parking restrictions under Subsection (7) or (8), each property owner shall, in addition to the requirements under Subsection (7) or (8), erect signage as required by this section:
 - (A) at each entrance to the property owner's parcel from another property owner's parcel; and
 - (B) if there is no clearly defined entrance between one property owner's parcel and another property owner's parcel, at intervals of 40 feet or less along the line dividing the property owner's parcel from the other property owner's parcel.
 - (iv) Where there is no clearly defined entrance to a parking area from a highway, the property owner shall erect signage as required by this section at intervals of 40 feet or less along any portion of a property line where a vehicle, vessel, or outboard motor may enter the parking area.
- (5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner from, subject to the provisions of this section, instituting and enforcing regulations for parking at the property.
- (6) In addition to any other powers provided by law, a political subdivision or state agency may:
- (a) enforce parking restrictions in accordance with Subsections (7) through (9) on property that is:
 - (i) owned by the political subdivision or state agency;
 - (ii) located outside of the public right-of-way; and
 - (iii) open to public parking; and
 - (b) request or direct a tow truck service in order to abate a public nuisance on private property over which the political subdivision or state agency has jurisdiction.
- (7) For private property where parking is enforced under Subsection (4)(a)(i), the property owner shall ensure that each entrance to the property has the following signs located on the property and clearly visible to the driver of a vehicle entering the property:
- (a) a top sign that is 24 inches tall by 18 inches wide and has:
 - (i) a blue, reflective background with a 1/2 inch white border;

- (ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is Patrolled";
 - (iii) a white towing logo that is six inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an entire vehicle being towed; and
 - (iv) two-inch, white letters at the bottom of the sign with the capitalized words "Towing Enforced"; and
- (b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:
- (i) a top half that is red background with white, reflective letters indicating:
 - (A) who is authorized to park or restricted from parking at the property; and
 - (B) any type of vehicle prohibited from parking at the property; and
 - (ii) a bottom half that has a white, reflective background with red letters indicating:
 - (A) the name and telephone number of the tow truck motor carrier that the property owner has authorized to patrol the property; and
 - (B) the Internet web address "tow.utah.gov".
- (8) For private property where parking is enforced under Subsection (4)(a)(ii):
- (a) a tow truck motor carrier may not:
- (i) patrol and monitor the property;
 - (ii) perform a tow truck service without the written or verbal request of the property owner or the property owner's agent; or
 - (iii) act as the property owner's agent to request a tow truck service; and
- (b) the property owner shall ensure that each entrance to the property has a clearly visible sign located on the property that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:
- (i) at the top of the sign, a blue background with a white, reflective towing logo that is at least four inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an entire vehicle being towed;
 - (ii) immediately below the towing logo described in Subsection (8)(b)(i), a blue background with white, reflective letters at least two inches tall with the capitalized words "Towing Enforced";
 - (iii) in the middle of the sign, a red background with white, reflective letters at least one inch tall indicating:
 - (A) who is authorized to park or restricted from parking at the property; and
 - (B) any type of vehicle prohibited from parking at the property; and
 - (iv) at the bottom of the sign, a white, reflective background with red letters at least one inch tall indicating:
 - (A) either:
 - (I) the name and telephone number of the property owner or the property owner's agent who is authorized to request a tow truck service; or
 - (II) the name and telephone number of the tow truck motor carrier that provides tow truck services for the property; and
 - (B) the Internet web address "tow.utah.gov".
- (9)
- (a) For private property without signage meeting the requirements of Subsection (7) or (8), the property owner may request a tow truck motor carrier to remove a vehicle, vessel, or outboard motor from the private property 24 hours after the property owner or the property owner's agent affixes a written notice to the vehicle, vessel, or outboard motor in accordance with this Subsection (9).
- (b) The written notice described in Subsection (9)(a) shall:

- (i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or outboard motor;
 - (ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel, or outboard motor will be towed from the property if it is not removed within 24 hours after the time indicated in Subsection (9)(b)(i);
 - (iii) be at least four inches tall and four inches wide; and
 - (iv) be affixed to the vehicle, vessel, or outboard motor at a conspicuous location on the driver's side window of the vehicle, vessel, or outboard motor.
- (c) A property owner may authorize a tow truck motor carrier to act as the property owner's agent for purposes of affixing the written notice described in Subsection (9)(a) to a vehicle, vessel, or outboard motor.
- (10) The department shall publish on the department Internet website the signage requirements and written notice requirements and illustrated or photographed examples of the signage and written notice requirements described in Subsections (7) through (9).
- (11) It is an affirmative defense to any claim, based on the lack of notice, that arises from the towing of a vehicle, vessel, or outboard motor from private property that the property had signage meeting the requirements of:
- (a) Subsection (4)(b)(ii); and
 - (b) Subsection (7) or (8).
- (12) The party described in Subsection 41-6a-1406(6)(a) with an interest in a vehicle, vessel, or outboard motor lawfully removed is only responsible for paying:
- (a) the tow truck service and storage fees set in accordance with Subsection (16); and
 - (b) the administrative impound fee set in Section 41-6a-1406, if applicable.
- (13)
- (a) The fees under Subsection (12) are a possessory lien on the vehicle, vessel, or outboard motor and any nonlife essential items contained in the vehicle, vessel, or outboard motor that are owned by the owner of the vehicle, vessel, or outboard motor until paid.
 - (b) The tow truck operator or tow truck motor carrier shall securely store the vehicle, vessel, or outboard motor and items described in Subsection (13)(a) in an approved state impound yard until a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor:
 - (i) pays the fees described in Subsection (12); and
 - (ii) removes the vehicle, vessel, or outboard motor from the state impound yard.
- (14)
- (a) A vehicle, vessel, or outboard motor shall be considered abandoned if a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor does not, within 30 days after notice has been sent under Subsection (1)(b):
 - (i) pay the fees described in Subsection (12); and
 - (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.
 - (b) A person may not request a transfer of title to an abandoned vehicle, vessel, or outboard motor until at least 30 days after notice has been sent under Subsection (1)(b).
- (15)
- (a) A tow truck motor carrier or impound yard shall clearly and conspicuously post and disclose all its current fees, rates, and acceptable forms of payment for tow truck service and storage of a vehicle in accordance with rules established under Subsection (16).
 - (b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash and debit or credit card for a tow truck service under Subsection (1) or any service rendered, performed, or supplied in connection with a tow truck service under Subsection (1).

- (16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall:
- (a) subject to the restriction in Subsection (17), set maximum rates that:
 - (i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that are transported in response to:
 - (A) a peace officer dispatch call;
 - (B) a motor vehicle division call; and
 - (C) any other call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal;
 - (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard motor stored as a result of one of the conditions listed under Subsection (16)(a)(i); and
 - (iii) an impound yard may charge for the after-hours release of a vehicle, vessel, or outboard motor stored as a result of one of the conditions described in Subsection (16)(a)(i);
 - (b) establish authorized towing certification requirements, not in conflict with federal law, related to incident safety, clean-up, and hazardous material handling;
 - (c) specify the form and content of the posting and disclosure of fees and rates charged and acceptable forms of payment by a tow truck motor carrier or impound yard;
 - (d) set a maximum rate for an administrative fee that a tow truck motor carrier may charge for reporting the information required under Subsection (1)(a)(i) and providing notice of the removal to each party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor as required in Subsection (1)(b);
 - (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains specific information regarding:
 - (i) a vehicle owner's rights and responsibilities if the owner's vehicle is towed;
 - (ii) identifies the maximum rates that a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that is transported in response to a call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and
 - (iii) identifies the maximum rates that an impound yard may charge for the storage of vehicle, vessel, or outboard motor that is transported in response to a call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and
 - (f) set a maximum rate for an after-hours fee allowed under Subsection (19)(b).
- (17) An impound yard may not charge a fee for the storage of an impounded vehicle, vessel, or outboard motor if:
- (a) the vehicle, vessel, or outboard motor is being held as evidence; and
 - (b) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection 41-6a-1406(6)(a), even if the party satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.
- (18)
- (a)
 - (i) A tow truck motor carrier may charge a rate up to the maximum rate set by the department in rules made under Subsection (16).
 - (ii) In addition to the maximum rates established under Subsection (16) and when receiving payment by credit card, a tow truck operator, a tow truck motor carrier, or an impound yard may charge a credit card processing fee of 3% of the transaction total.
 - (b) A tow truck motor carrier may not be required to maintain insurance coverage at a higher level than required in rules made pursuant to Subsection (16).

- (19) When a tow truck motor carrier or impound lot is in possession of a vehicle, vessel, or outboard motor as a result of a tow service that was performed without the consent of the owner, and that was not ordered by a peace officer or a person acting on behalf of a law enforcement agency, the tow truck motor carrier or impound yard shall make personnel available:
- (a) by phone 24 hours a day, seven days a week; and
 - (b) to release the impounded vehicle, vessel, or outboard motor to the owner within one hour of when the owner calls the tow truck motor carrier or impound yard.
- (20) A tow truck motor carrier or a tow truck operator may not:
- (a) share contact or other personal information of an owner of a vehicle, vessel, or outboard motor for which the tow truck motor carrier or tow truck operator has performed a tow service; and
 - (b) receive payment for referring a person for whom the tow truck motor carrier or tow truck operator has performed a tow service to another service, including:
 - (i) a lawyer referral service;
 - (ii) a medical provider;
 - (iii) a funding agency;
 - (iv) a marketer for any service described in Subsections (20)(b)(i) through (iii);
 - (v) a marketer for any other service; or
 - (vi) a third party vendor.

Amended by Chapter 134, 2024 General Session

Effective 1/1/2026

72-9-603 Towing notice requirements -- Cost responsibilities -- Abandoned vehicle title restrictions -- Rules for maximum rates and certification.

- (1) Except for a tow truck service that was ordered by a peace officer, a person acting on behalf of a law enforcement agency, or a highway authority, after performing a tow truck service that is being done without the vehicle, vessel, or outboard motor owner's knowledge, the tow truck operator or the tow truck motor carrier shall:
- (a) immediately upon arriving at the place of storage or impound of the vehicle, vessel, or outboard motor:
 - (i) provide relevant information to the impound vehicle service system database administered by the Motor Vehicle Division, including:
 - (A) the date and time of the removal of the vehicle, vessel, or outboard motor;
 - (B) a description of the vehicle, vessel, or outboard motor; and
 - (C) the vehicle identification number or vessel or outboard motor identification number; and
 - (ii) contact the law enforcement agency having jurisdiction over the area where the vehicle, vessel, or outboard motor was picked up and notify the agency of the:
 - (A) location of the vehicle, vessel, or outboard motor;
 - (B) date, time, and location from which the vehicle, vessel, or outboard motor was removed;
 - (C) reasons for the removal of the vehicle, vessel, or outboard motor;
 - (D) person who requested the removal of the vehicle, vessel, or outboard motor; and
 - (E) description, including the identification number, license number, or other identification number issued by a state agency, of the vehicle, vessel, or outboard motor;
 - (b) except for a vehicle, vessel, or outboard motor that has been retrieved by the owner or operator, within two business days of performing the tow truck service under Subsection (1)
 - (a), send a certified letter to the last-known address of each party described in Subsection

41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor obtained from the Motor Vehicle Division or, if the person has actual knowledge of the party's address, to the current address, notifying the party of the:

- (i) location of the vehicle, vessel, or outboard motor;
 - (ii) date, time, and location from which the vehicle, vessel, or outboard motor was removed;
 - (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
 - (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
 - (v) a description, including its identification number and license number or other identification number issued by a state agency; and
 - (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and
- (c) upon initial contact with the owner or operator whose vehicle, vessel, or outboard motor was removed, provide the owner or operator with a copy of the Utah Consumer Bill of Rights Regarding Towing established by the department in Subsection (16)(e).
- (2) Until the tow truck operator or tow truck motor carrier reports the information required under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound yard may not:
- (a) collect any fee associated with the removal; or
 - (b) begin charging storage fees.
- (3)
- (a) Except as provided in Subsection (3)(b) or (9), a tow truck operator or tow truck motor carrier may not perform a tow truck service at the request or direction of a private property owner or the property owner's agent unless:
 - (i) the owner or a lien holder of the vehicle, vessel, or outboard motor consents to the tow truck service; or
 - (ii) the property owner erects signage that meets the requirements of:
 - (A) Subsection (4)(b)(ii); and
 - (B) Subsection (7) or (8).
 - (b) Subsections (7) through (9) do not apply to the removal of a vehicle, vessel, or outboard motor:
 - (i) from a location where parking is prohibited by law, including:
 - (A) a designated fire lane;
 - (B) within 15 feet of a fire hydrant, unless the vehicle is parked in a marked parking stall or space; or
 - (C) a marked parking stall or space legally designated for disabled persons;
 - (ii) from a location where it is reasonably apparent that the location is not open to parking;
 - (iii) from a location where all public access points are controlled by:
 - (A) a permanent gate, door, or similar feature allowing the vehicle to access the facility; or
 - (B) a parking attendant;
 - (iv) from a location that materially interferes with access to private property;
 - (v) from the property of a detached single-family dwelling or duplex; or
 - (vi) pursuant to a legal repossession.
- (4)
- (a) A private property owner may, subject to the requirements of a local ordinance, enforce parking restrictions by:
 - (i) authorizing a tow truck motor carrier to patrol and monitor the property and enforce parking restrictions on behalf of the property owner in accordance with Subsection (7);
 - (ii) enforcing parking restrictions as needed by requesting a tow from a tow truck motor carrier on a case-by-case basis in accordance with Subsection (8); or

- (iii) requesting a tow from a tow truck motor carrier after providing 24-hour written notice in accordance with Subsection (9).
- (b)
 - (i) Any agreement between a private property owner and tow truck motor carrier authorizing the tow truck motor carrier to patrol and monitor the property under Subsection (4)(a)(i) shall include specific terms and conditions for the tow truck motor carrier to remove a vehicle, vessel, or outboard motor from the property.
 - (ii) In addition to the signage described in Subsection (7) or (8), a private property owner who allows public parking shall erect appropriate signage on the property indicating clear instructions for parking at the property.
 - (iii) Where a single parking area includes abutting parcels of property owned by two or more private property owners who enforce different parking restrictions under Subsection (7) or (8), each property owner shall, in addition to the requirements under Subsection (7) or (8), erect signage as required by this section:
 - (A) at each entrance to the property owner's parcel from another property owner's parcel; and
 - (B) if there is no clearly defined entrance between one property owner's parcel and another property owner's parcel, at intervals of 40 feet or less along the line dividing the property owner's parcel from the other property owner's parcel.
 - (iv) Where there is no clearly defined entrance to a parking area from a highway, the property owner shall erect signage as required by this section at intervals of 40 feet or less along any portion of a property line where a vehicle, vessel, or outboard motor may enter the parking area.
- (5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner from, subject to the provisions of this section, instituting and enforcing regulations for parking at the property.
- (6) In addition to any other powers provided by law, a political subdivision or state agency may:
 - (a) enforce parking restrictions in accordance with Subsections (7) through (9) on property that is:
 - (i) owned by the political subdivision or state agency;
 - (ii) located outside of the public right-of-way; and
 - (iii) open to public parking; and
 - (b) request or direct a tow truck service in order to abate a public nuisance on private property over which the political subdivision or state agency has jurisdiction.
- (7) For private property where parking is enforced under Subsection (4)(a)(i), the property owner shall ensure that each entrance to the property has signs located on the property and clearly visible to the driver of a vehicle entering the property that substantially comply with the following, as determined by the department:
 - (a) a top sign that is 24 inches tall by 18 inches wide and has:
 - (i) a blue, reflective background with a 1/2 inch white border;
 - (ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is Patrolled";
 - (iii) a white towing logo that is six inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an entire vehicle being towed; and
 - (iv) two-inch, white letters at the bottom of the sign with the capitalized words "Towing Enforced"; and
 - (b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:
 - (i) a top half that is red background with white, reflective letters indicating:
 - (A) who is authorized to park or restricted from parking at the property; and
 - (B) any type of vehicle prohibited from parking at the property; and
 - (ii) a bottom half that has a white, reflective background with red letters indicating:

- (A) the name and telephone number of the tow truck motor carrier that the property owner has authorized to patrol the property; and
 - (B) the Internet web address "tow.utah.gov".
- (8)
- (a) For private property where parking is enforced under Subsection (4)(a)(ii):
 - (i) a tow truck motor carrier may not:
 - (A) patrol and monitor the property;
 - (B) perform a tow truck service without the written or verbal request of the property owner or the property owner's agent; or
 - (C) act as the property owner's agent to request a tow truck service.
 - (b) For private property where parking is enforced under Subsection (4)(a)(ii), the property owner shall ensure that each entrance to the property has a clearly visible sign located on the property that substantially follows the following format, as determined by the department:
 - (i) the sign is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:
 - (A) at the top of the sign, a blue background with a white, reflective towing logo that is at least four inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an entire vehicle being towed;
 - (B) immediately below the towing logo described in Subsection (8)(b)(i)(A), a blue background with white, reflective letters at least two inches tall with the capitalized words "Towing Enforced";
 - (C) in the middle of the sign, a red background with white, reflective letters at least one inch tall indicating who is authorized to park or restricted from parking at the property, and any type of vehicle prohibited from parking at the property; and
 - (ii) at the bottom of the sign, a white, reflective background with red letters at least one inch tall indicating:
 - (A) either the name and telephone number of the property owner or the property owner's agent who is authorized to request a tow truck service, or the name and telephone number of the tow truck motor carrier that provides tow truck services for the property; and
 - (B) the Internet web address "tow.utah.gov".
 - (c) If a dispute arises regarding whether a sign required under this section substantially complies with the requirements of this section, the department shall determine whether the sign substantially complies.
- (9)
- (a) For private property without signage substantially meeting the requirements of Subsection (7) or (8), as determined by the department, the property owner may request a tow truck motor carrier to remove a vehicle, vessel, or outboard motor from the private property 24 hours after the property owner or the property owner's agent affixes a written notice to the vehicle, vessel, or outboard motor in accordance with this Subsection (9).
 - (b) The written notice described in Subsection (9)(a) shall:
 - (i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or outboard motor;
 - (ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel, or outboard motor will be towed from the property if it is not removed within 24 hours after the time indicated in Subsection (9)(b)(i);
 - (iii) be at least four inches tall and four inches wide; and
 - (iv) be affixed to the vehicle, vessel, or outboard motor at a conspicuous location on the driver's side window of the vehicle, vessel, or outboard motor.

- (c) A property owner may authorize a tow truck motor carrier to act as the property owner's agent for purposes of affixing the written notice described in Subsection (9)(a) to a vehicle, vessel, or outboard motor.
- (10) The department shall publish on the department Internet website the signage requirements and written notice requirements and illustrated or photographed examples of the signage and written notice requirements described in Subsections (7) through (9).
- (11) It is an affirmative defense to any claim, based on the lack of notice, that arises from the towing of a vehicle, vessel, or outboard motor from private property that the property had signage meeting the requirements of:
 - (a) Subsection (4)(b)(ii); and
 - (b) Subsection (7) or (8).
- (12) An individual described in Subsection 41-6a-1406(7)(f)(i) or a party described in Subsection 41-6a-1406(6)(a) with an interest in a vehicle, vessel, or outboard motor lawfully removed is only responsible for paying:
 - (a) the tow truck service and storage fees set in accordance with Subsection (16); and
 - (b) the administrative impound fee set in Section 41-6a-1406, if applicable.
- (13)
 - (a) As used in this Subsection (13), "life essential item" means:
 - (i) prescription medication;
 - (ii) medical equipment;
 - (iii) shoes;
 - (iv) coats;
 - (v) food and water;
 - (vi) child safety seats;
 - (vii) government-issued photo identification; and
 - (viii) human remains.
 - (b) The fees under Subsection (12) are a possessory lien on the vehicle, vessel, or outboard motor.
 - (c) Towing fees are a possessory lien on the vehicle, vessel, or outboard motor and any nonlife essential items contained in the vehicle, vessel, or outboard motor.
 - (d) Except for a vehicle, vessel, or outboard motor being held as evidence, a tow truck operator, a tow truck motor carrier, or an impound yard shall allow a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) to take possession of any life essential item within the vehicle, vessel, or outboard motor during normal business hours regardless of whether the towing, impound fees, or storage fees have been paid.
 - (e) Except for a vehicle, vessel, or outboard motor being held as evidence, upon payment of the towing fee, a tow truck operator, a tow truck motor carrier, or an impound yard shall allow a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) to enter the vehicle, vessel, or outboard motor during normal business hours and remove personal property not attached to the vehicle, vessel, or outboard motor.
 - (f) The tow truck operator or tow truck motor carrier shall securely store the vehicle, vessel, or outboard motor and items described in Subsection (13)(a) in an approved state impound yard until a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor:
 - (i) pays the fees described in Subsection (12); and
 - (ii) removes the vehicle, vessel, or outboard motor from the state impound yard.

(14)

- (a) A vehicle, vessel, or outboard motor shall be considered abandoned if a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) does not, within 30 days after notice has been sent under Subsection (1)(b):
 - (i) pay the fees described in Subsection (12); and
 - (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.
- (b) A person may not request a transfer of title to an abandoned vehicle, vessel, or outboard motor until at least 30 days after notice has been sent under Subsection (1)(b).

(15)

- (a) A tow truck motor carrier or impound yard shall clearly and conspicuously post and disclose all its current fees, rates, and acceptable forms of payment for tow truck service and storage of a vehicle in accordance with rules established under Subsection (16).
 - (b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash and debit or credit card for a tow truck service under Subsection (1) or any service rendered, performed, or supplied in connection with a tow truck service under Subsection (1).
- (16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall:
- (a) subject to the restriction in Subsection (17), set maximum rates that:
 - (i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that are transported in response to:
 - (A) a peace officer dispatch call;
 - (B) a motor vehicle division call; and
 - (C) any other call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal;
 - (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard motor stored as a result of one of the conditions listed under Subsection (16)(a)(i); and
 - (iii) an impound yard may charge for the after-hours release of a vehicle, vessel, or outboard motor stored as a result of one of the conditions described in Subsection (16)(a)(i);
 - (b) establish authorized towing certification requirements, not in conflict with federal law, related to incident safety, clean-up, and hazardous material handling;
 - (c) specify the form and content of the posting and disclosure of fees and rates charged and acceptable forms of payment by a tow truck motor carrier or impound yard;
 - (d) set a maximum rate for an administrative fee that a tow truck motor carrier may charge for reporting the information required under Subsection (1)(a)(i) and providing notice of the removal to each party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor as required in Subsection (1)(b);
 - (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains specific information regarding:
 - (i) a vehicle owner's or operator's rights and responsibilities if the owner's vehicle is towed;
 - (ii) identifies the maximum rates that a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that is transported in response to a call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and
 - (iii) identifies the maximum rates that an impound yard may charge for the storage of vehicle, vessel, or outboard motor that is transported in response to a call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and
 - (f) set a maximum rate for an after-hours fee allowed under Subsection (19)(b).

- (17) An impound yard may not charge a fee for the storage of an impounded vehicle, vessel, or outboard motor if:
- (a) the vehicle, vessel, or outboard motor is being held as evidence; and
 - (b) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection 41-6a-1406(6)(a) or an individual described in Subsection 41-6a-1406(7)(f)(i), even if the party satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.
- (18)
- (a)
 - (i) A tow truck motor carrier may charge a rate up to the maximum rate set by the department in rules made under Subsection (16).
 - (ii) In addition to the maximum rates established under Subsection (16) and when receiving payment by credit card or debit card, a tow truck operator, a tow truck motor carrier, or an impound yard may charge a card processing fee of 3% of the transaction total.
 - (b) A tow truck motor carrier may not be required to maintain insurance coverage at a higher level than required in rules made pursuant to Subsection (16).
- (19) When a tow truck motor carrier or impound lot is in possession of a vehicle, vessel, or outboard motor as a result of a tow service that was performed without the consent of the owner, and that was not ordered by a peace officer or a person acting on behalf of a law enforcement agency, the tow truck motor carrier or impound yard shall make personnel available:
- (a) by phone 24 hours a day, seven days a week; and
 - (b) to release the impounded vehicle, vessel, or outboard motor to the owner within one hour of when the owner calls the tow truck motor carrier or impound yard.
- (20) A tow truck motor carrier or a tow truck operator may not:
- (a) share contact or other personal information of an owner of a vehicle, vessel, or outboard motor or a party described in Subsection 41-6a-1406(6)(a) for which the tow truck motor carrier or tow truck operator has performed a tow service; and
 - (b) receive payment for referring a person for whom the tow truck motor carrier or tow truck operator has performed a tow service to another service, including:
 - (i) a lawyer referral service;
 - (ii) a medical provider;
 - (iii) a funding agency;
 - (iv) a marketer for any service described in Subsections (20)(b)(i) through (iii);
 - (v) a marketer for any other service; or
 - (vi) a third party vendor.

Amended by Chapter 378, 2025 General Session

Superseded 1/1/2026

72-9-604 Preemption of local authorities -- Tow trucks.

- (1) As used in this section:
- (a) "Abandoned" means a vehicle, vessel, or outboard motor for which a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor does not, within 30 days after notice that the vehicle, vessel, or outboard motor was towed by a towing entity:
 - (i) pay the relevant fees; and
 - (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

- (b) "Towing entity" means:
 - (i) a political subdivision of this state;
 - (ii) a state agency;
 - (iii) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation Act; or
 - (iv) a special service district created under Title 17D, Chapter 1, Special Service District Act.
- (2)
 - (a) Notwithstanding any other provision of law, a political subdivision of this state may neither enact nor enforce any ordinance, regulation, or rule pertaining to a tow truck motor carrier, tow truck operator, or tow truck that conflicts with:
 - (i) any provision of this part;
 - (ii) Section 41-6a-1401;
 - (iii) Section 41-6a-1407; or
 - (iv) rules made by the department under this part.
 - (b) A county or municipal legislative governing body may not charge a fee for the storage of an impounded vehicle, vessel, or outboard motor if the county or municipality:
 - (i) is holding the vehicle, vessel, or outboard motor as evidence; and
 - (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.
- (3) A tow truck motor carrier that has a county or municipal business license for a place of business located within that county or municipality may not be required to obtain another business license in order to perform a tow truck service in another county or municipality if there is not a business location in the other county or municipality.
- (4) A county or municipal legislative or governing body may not require a tow truck motor carrier, tow truck, or tow truck operator that has been issued a current, authorized towing certificate by the department, as described in Section 72-9-602, to obtain an additional towing certificate.
- (5) A county or municipal legislative body may require an annual tow truck safety inspection in addition to the inspections required under Sections 53-8-205 and 72-9-602 if:
 - (a) no fee is charged for the inspection; and
 - (b) the inspection complies with federal motor carrier safety regulations.
- (6)
 - (a) A tow truck shall be subject to only one annual safety inspection under Subsection (5)(b).
 - (b) A county or municipality that requires the additional annual safety inspection shall accept the same inspection performed by another county or municipality.
- (7)
 - (a)
 - (i) If a towing entity uses a towing dispatch vendor described in Section 53-1-106.2, the towing entity may charge a fee to cover costs associated with the use of a dispatch vendor as described in Section 53-1-106.2.
 - (ii) Except as provided in Subsection (8), a fee described in Subsection (7)(a)(i) may not exceed the actual costs of the dispatch vendor contracted to provide the dispatch service.
 - (b)
 - (i) Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a towing dispatch vendor described in Section 53-1-106.2, the towing entity may not charge a fee to cover costs associated with providing towing dispatch and rotation service.
 - (ii) A special service district created under Title 17D, Chapter 1, Special Service District Act, that charges a dispatch fee on or before January 1, 2023, may continue to charge a fee related to dispatch costs.

- (iii) Except as provided in Subsection (8), a fee described in Subsection (7)(b)(ii) may not exceed an amount reasonably reflective to the actual costs of providing the towing dispatch and rotation service.
 - (c) A towing entity may not charge a fee described in Subsection (7)(a)(i) or (7)(b)(ii) unless the relevant governing body of the towing entity has approved the fee amount.
 - (d) In addition to fees set by the department in rules made in accordance with Subsection 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass through a fee described in this Subsection (7) to owners, lien holders, or insurance providers of towed vehicles, vessels, or outboard motors.
- (8)
- (a) In addition to the fees described in Subsection (7), a tow truck operator or tow truck motor carrier may charge an additional fee to absorb unrecovered costs of abandoned vehicles related to the fees described in Subsections (7)(a)(i) and (7)(b)(ii).
 - (b) Beginning May 3, 2023, and ending on June 30, 2025, a tow truck operator or tow truck motor carrier may charge a fee described in Subsection (8)(a) in an amount not to exceed an amount greater than 25% of the relevant fee described in Subsection (7)(a)(i) or (7)(b)(ii).
 - (c)
 - (i) Beginning January 1, 2025, and annually thereafter, the towing entity shall, based on data provided by the State Tax Commission, determine the percentage of vehicles, vessels, or outboard motors that were abandoned during the previous year by:
 - (A) determining the total number of vehicles, vessels, or outboard motors that were towed as part of a towing entity's towing rotation during the previous calendar year that were also abandoned; and
 - (B) dividing the number described in Subsection (8)(c)(i)(A) by the total number of vehicles, vessels, or outboard motors that were towed as part of the towing entity's towing rotation during the previous calendar year.
 - (ii) No later than March 31, 2025, and each year thereafter, the towing entity shall publish:
 - (A) the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii); and
 - (B) the percentage described in Subsection (8)(c)(i).
 - (iii) Beginning on July 1, 2025, and each year thereafter, a tow truck operator or a tow truck motor carrier may charge a fee authorized in Subsection (8)(a) in an amount equal to the percentage described in Subsection (8)(c)(i) multiplied by the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii).
 - (d) A tow truck operator or tow truck motor carrier shall list on a separate line on the towing invoice any fee described in this Subsection (8).
- (9) A towing entity may not require a tow truck operator who has received an authorized towing certificate from the department to submit additional criminal background check information for inclusion of the tow truck motor carrier on a rotation.
- (10) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck operator that responds may not respond to the location in a tow truck that is owned by a tow truck motor carrier that is different than the tow truck motor carrier that was dispatched.

Amended by Chapter 134, 2024 General Session

Effective 1/1/2026

72-9-604 Preemption of local authorities -- Tow trucks.

(1) As used in this section:

- (a) "Abandoned" means a vehicle, vessel, or outboard motor for which a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor does not, within 30 days after notice that the vehicle, vessel, or outboard motor was towed by a towing entity:
 - (i) pay the relevant fees; and
 - (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.
- (b) "Towing entity" means:
 - (i) a political subdivision of this state;
 - (ii) a state agency;
 - (iii) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation Act; or
 - (iv) a special service district created under Title 17D, Chapter 1, Special Service District Act.
- (2)
 - (a) Notwithstanding any other provision of law, a political subdivision of this state may neither enact nor enforce any ordinance, regulation, or rule pertaining to a tow truck motor carrier, tow truck operator, or tow truck that:
 - (i) conflicts with:
 - (A) any provision of this part;
 - (B) Section 41-6a-1401;
 - (C) Section 41-6a-1407; or
 - (D) rules made by the department under this part; or
 - (ii) imposes a maximum rate that deviates from the maximum rates set in rules made by the department pursuant to Subsection 72-9-603(16).
 - (b) A county or municipal legislative governing body may not charge a fee for the storage of an impounded vehicle, vessel, or outboard motor if the county or municipality:
 - (i) is holding the vehicle, vessel, or outboard motor as evidence; and
 - (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.
- (3) A tow truck motor carrier that has a county or municipal business license for a place of business located within that county or municipality may not be required to obtain another business license in order to perform a tow truck service in another county or municipality if there is not a business location in the other county or municipality.
- (4) A county or municipal legislative or governing body may not require a tow truck motor carrier, tow truck, or tow truck operator that has been issued a current, authorized towing certificate by the department, as described in Section 72-9-602, to obtain an additional towing certificate.
- (5) A county or municipal legislative body may require an annual tow truck safety inspection in addition to the inspections required under Sections 53-8-205 and 72-9-602 if:
 - (a) no fee is charged for the inspection; and
 - (b) the inspection complies with federal motor carrier safety regulations.
- (6)
 - (a) A tow truck shall be subject to only one annual safety inspection under Subsection (5)(b).
 - (b) A county or municipality that requires the additional annual safety inspection shall accept the same inspection performed by another county or municipality.
- (7)
 - (a)
 - (i) If a towing entity uses a towing dispatch vendor described in Section 53-1-106.2, the towing entity may charge a fee to cover costs associated with the use of a dispatch vendor as described in Section 53-1-106.2.

- (ii) Except as provided in Subsection (8), a fee described in Subsection (7)(a)(i) may not exceed the actual costs of the dispatch vendor contracted to provide the dispatch service.
- (b)
 - (i) Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a towing dispatch vendor described in Section 53-1-106.2, the towing entity may not charge a fee to cover costs associated with providing towing dispatch and rotation service.
 - (ii) A special service district created under Title 17D, Chapter 1, Special Service District Act, that charges a dispatch fee on or before January 1, 2023, may continue to charge a fee related to dispatch costs.
 - (iii) Except as provided in Subsection (8), a fee described in Subsection (7)(b)(ii) may not exceed an amount reasonably reflective to the actual costs of providing the towing dispatch and rotation service.
- (c) A towing entity may not charge a fee described in Subsection (7)(a)(i) or (7)(b)(ii) unless the relevant governing body of the towing entity has approved the fee amount.
- (d) In addition to fees set by the department in rules made in accordance with Subsection 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass through a fee described in this Subsection (7) to owners, lien holders, or insurance providers of towed vehicles, vessels, or outboard motors.
- (8)
 - (a) In addition to the fees described in Subsection (7), a tow truck operator or tow truck motor carrier may charge an additional fee to absorb unrecovered costs of abandoned vehicles related to the fees described in Subsections (7)(a)(i) and (7)(b)(ii).
 - (b) Beginning May 3, 2023, and ending on June 30, 2025, a tow truck operator or tow truck motor carrier may charge a fee described in Subsection (8)(a) in an amount not to exceed an amount greater than 25% of the relevant fee described in Subsection (7)(a)(i) or (7)(b)(ii).
 - (c)
 - (i) Beginning January 1, 2025, and annually thereafter, the towing entity shall, based on data provided by the State Tax Commission, determine the percentage of vehicles, vessels, or outboard motors that were abandoned during the previous year by:
 - (A) determining the total number of vehicles, vessels, or outboard motors that were towed as part of a towing entity's towing rotation during the previous calendar year that were also abandoned; and
 - (B) dividing the number described in Subsection (8)(c)(i)(A) by the total number of vehicles, vessels, or outboard motors that were towed as part of the towing entity's towing rotation during the previous calendar year.
 - (ii) No later than March 31, 2025, and each year thereafter, the towing entity shall publish:
 - (A) the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii); and
 - (B) the percentage described in Subsection (8)(c)(i).
 - (iii) Beginning on July 1, 2025, and each year thereafter, a tow truck operator or a tow truck motor carrier may charge a fee authorized in Subsection (8)(a) in an amount equal to the percentage described in Subsection (8)(c)(i) multiplied by the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii).
 - (d) A tow truck operator or tow truck motor carrier shall list on a separate line on the towing invoice any fee described in this Subsection (8).
- (9) A towing entity may not require a tow truck operator who has received an authorized towing certificate from the department to submit additional criminal background check information for inclusion of the tow truck motor carrier on a rotation.

- (10) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck operator that responds may not respond to the location in a tow truck that is owned by a tow truck motor carrier that is different than the tow truck motor carrier that was dispatched.
- (11) If a towing entity receives a notice from the department as described in Subsection 72-9-602(6), the towing entity shall remove the tow truck motor carrier from the towing entity's towing rotation, contract, or request for proposal as provided in the notice from the department.

Amended by Chapter 378, 2025 General Session

72-9-605 Exception from part.

This part does not apply to a person who is towing a vehicle owned by that person in a noncommercial operation.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-607 Required process before removal from towing rotation.

- (1) Each political subdivision or state agency that establishes a towing rotation to facilitate tows initiated by the political subdivision or state agency shall establish a policy for an appeals process to hear and decide appeals from a decision to suspend or remove a tow truck motor carrier or tow truck operator from a towing rotation.
- (2) In conducting an appeal as described in Subsection (1):
 - (a) the appeal process may be conducted by a single appeal officer or a panel; and
 - (b) an individual hearing an appeal, whether as a single appeal officer or as part of a panel, may not be the same individual who made the decision to suspend or remove the tow truck motor carrier or tow truck operator from the towing rotation.

Enacted by Chapter 373, 2019 General Session